

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4977 of 2007

12-03-2007

Between:-

Bhuma Prasanna Lakshmi Dall Producers,
Podili rep., by its proprietor
Bhuma Bramaramba, Poldili (V & M), Prakasam Dist.,
Petitioner

And

The State of Andhra Pradesh rep., by its
Principal Secretary to Civil Supplies Department,
Secretariat, Saifabad, Hyderabad and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4977 of 2007

Oral order:

The writ petition is directed against the seizure of 1583.96 quintals of Red Gram and 879 quintals of under processed Red Gram belonging to the petitioner. The Civil Supplies Officials of Nellore inspected the premises of the petitioner in Darsi Road, Podili in the presence of the proprietor. The aforementioned quantities of scheduled commodities were found stored. The petitioner does not have a license under the provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing and Distribution) Order, 1982 (for short 'the Control Order'), which is in force.

On an allegation that the petitioner is pursuing unauthorized and unlicensed trade/dealership in

scheduled commodities, in transgression of the provisions of the Control Order and the provisions of the Essential Commodities Act, 1955 (for short 'the Act'), the commodities found stored were seized on 15-02-2007 and a mediator's report drawn up.

The petitioner submitted a representation dated 05-03-2007 for interim release of the seized commodities to its custody and within forty eight (48) hours, filed this writ petition projecting a grievance that its representation for interim release was not considered overnight by the second respondent. The writ petition impeaches the seizure and the proceedings likely to be initiated for sale of the seized commodities.

At the admission hearing today, the learned counsel for the petitioner has placed before this Court an order of the second respondent bearing reference Rc.CS1/6A/19/2007 dated 03-03-2007. This order is the product of an exercise of power and authority under Section 6A (2) of the Essential Commodities Act, 1955 (for short 'the Act') directing interim disposal of the seized commodities even before final proceedings are drawn up under Section 6A of the Act. The reasons recorded by the second respondent for directing interim disposal are:

"The interim disposal of the seized stocks are issued under Section 6A (2)(ii) of Essential Commodities Act, 1955 as it is expedient in the larger public interest to make available the commodities at reasonable and Fair Prices to the public and to

curtail hoardings in pulses.”

As is apparent from the clear language of the order, the second respondent has recorded the requisite statutorily mandatory satisfaction/opinion that it is expedient in the larger public interest to order interim disposal so as to make the commodities available to the public at reasonable and fair prices and for curtailing the practice of hoarding in pulses. The expediency in public interest is a component of the discretion normatively within the subjective but rational satisfaction of the second respondent under the provisions of the Act. Such satisfaction has been recorded. This Court is satisfied, on the basis of a perusal of the impugned order that it suffers from no infirmity warranting interference. There are no merits in the writ petition.

The writ petition is accordingly dismissed, at the stage of admission, after hearing the learned Government Pleader for Civil Supplies. No costs.

GODA RAGHURAM, J

Dated:12-03-2007

Pvks/*

Nb:- Furnish c.c. in two days.

B/o pvks/*